

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Cindra A. Widrig OPALSKY, et al.) Examiner: Lyle ALEXANDER
Application No.: 10/807,290) Group Art Unit: 1743
Filed: March 24, 2004) Confirmation No.: 3910
For: APPARATUS AND METHOD FOR)
ASSAYING COAGULATION IN) Date: February 5, 2009
FLUID SAMPLES)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner, Abbott Point of Care Inc., having a principal place of business at 400 College Road East, Princeton, New Jersey 08540, USA, and duly represented by the undersigned, represents that it is the assignee of the entire right, title, and interest in and to: (i) the subject Application No. 10/807,290, filed on March 24, 2004; (ii) U.S. Patent No. 6,438,498 issued August 20, 2002; and (iii) U.S. Patent No. 6,750,053 issued on June 15, 2004.

Petitioner hereby disclaims the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,438,498, or U.S. Patent No. 6,750,053, as presently shortened by any terminal disclaimers, and hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,438,498 and U.S. Patent No. 6,750,053 this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of U.S. Patent No. 6,438,498, or U.S. Patent No. 6,750,053, as presently shortened by any terminal disclaimers, in the event that subsequent hereto either or both U.S. Patent No. 6,438,498 and/or U.S. Patent No. 6,750,053 expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are the subject of any disclaimer under 37 C.F.R. 1.321(a), have all claims canceled by a reexamination certificate, are reissued, or are otherwise terminated prior to the expiration of their statutory terms as presently shortened by any terminal disclaimers, except for the separation of legal title stated above.

Evidentiary documents relating to the application and the patent referred to above have been reviewed by the undersigned, and it is certified that to the best of assignee's knowledge and belief, title is in the assignee. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. 50-1710 for payment of the required Terminal Disclaimer fee under 37 C.F.R. § 1.20(d). Any additional fee required, and any overpayments should also be charged to Deposit Account No. 50-1710.

The undersigned is an attorney or agent for the Applicants.

Respectfully submitted,

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